

Appl. No. 10/782,029
Docket No. 9548
Reply dated January 24, 2007
Reply to Office Action mailed on Oct. 30, 2006
Customer No. 27752

REMARKS

No amendments to the claims have been made.

Claims 1, 2, 4, 6, 10-14, 16, 17, 19, 21, 22 and 25-30 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102(b)/§103(a) over U.S. Patent No. 4,637,859

Claims 1, 2, 4, 6, 11, 12, 16, 17, 19, 21, 22, 25-27 and 30 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 4,637,859 to Trokhan ("Trokhan"). The Examiner asserts that Trokhan discloses a tissue product having a basis weight of 9-95 gsm, wherein the tissue comprises an undulating surface of low density pillow regions and high density knuckle regions. The Examiner states that Trokhan does not teach away from the claimed aspect ratio but instead provides a single example of suitable dimensions for use with a single example of various types of fibers. The Examiner further recognizes that Trokhan teaches that its dimensions can be changed depending upon the types of fibers used. The Examiner states that Trokhan teaches that its dimensions can be varied proportionally when used with other furnishes.

Applicants appreciate that Trokhan teaches that its dimensions can be varied proportionally when used with other furnishes. However, Applicants respectfully submit that the Examiner's interpretation of "proportionally" within respect to the claimed aspect ratio is faulty. Applicants submit that Trokhan teaches in its Fig. 10 that its tissue products exhibit a structural aspect ratio of 1.28, which is determined by the formula dimension f/dimension e, then if the dimensions f and e are varied proportionally, the structural aspect ratio would remain 1.28 since dimension f would have to change by the same amount as dimension e changes to meet the requirement of "varied proportionally." In fact, a definition of "proportionally" means having the same or a constant ratio. Accordingly, Applicants agree that Trokhan teaches that its dimensions can change, BUT they can change PROPORTIONALLY, which would result in the structural aspect ratio being the same or constant.

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In light of the foregoing, Applicants respectfully submit that Trokhan fails to teach each and every element of Claim 1 because Trokhan fails to teach a tissue product that exhibits a structural aspect ratio of greater than 1.5. Therefore, Applicants submit that Claim 1 is not anticipated by nor rendered obvious over the teachings of Trokhan. Further, Applicants submit that Claims 2, 4, 6 and 10-12, which ultimately depend from Claim 1, are not anticipated by nor rendered obvious over the teachings of Trokhan for the same reasons that Claim 1 is not anticipated by nor rendered obvious over the teachings of Trokhan.

With respect to Claim 16, Applicants respectfully submit that Trokhan at least fails to teach that its tissue products exhibit maximum stretch of less than 15%. Applicants submit that Trokhan teaches that its tissue products exhibit a maximum stretch of greater than 15%; namely, 30%, 34%, 35%, 32%. Trokhan, Col. 22, Table II. Accordingly, Applicants submit that Claim 16 is not anticipated by nor rendered obvious over Trokhan. Further, Applicants submit that Claims 17, 19, 21, 22, 25-27 and 30, which ultimately depend from Claim 16, are not anticipated by nor rendered obvious over Trokhan for the same reasons that Claim 16 is not anticipated by nor rendered obvious over Trokhan.

Rejection Under 35 USC §103(a) over U.S. Patent No. 4,637,859
in view of U.S. Patent No. 6,328,850

Claims 13, 14, 28 and 29 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, in view of U.S. Patent No. 6,328,850 to Phan et al. ("Phan"). The Examiner recognizes that Trokhan fails to disclose a tissue having a layer containing fibers having an average fiber length of greater than 1.5 mm, which is positioned between two layers containing fibers having an average fiber length of less than 1.5 mm. The Examiner asserts that Phan discloses a multi-layered paper product wherein an inner layer may comprise relatively long fibers having a length of 2.5 mm or greater which is sandwiched by outer layers comprising fibers having a length of less than 1.5 mm. Accordingly, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to have formed the paper sheet of Trokhan so that it had fibrous layers having fiber lengths taught by Phan, motivated by the expectation that this would produce a tissue having excellent softness, strength and bulk.

Applicants respectfully disagree with the Examiner's conclusion. Applicants respectfully submit that Trokhan fails to teach each and every element of Claims 1 and 16, the independent claims from which Claims 13-14 and 28-29 ultimately depend, respectively, for the reasons described above. Further, Applicants submit that Phan fails to overcome the deficiencies of Trokhan. Therefore, Applicants respectfully submit that Claims 13, 14, 28 and 29 are not rendered obvious over Trokhan, alone or in combination with Phan. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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